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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,372	03/16/2006	Bogdan Timus	4208-29	9885
23117 7590 09/25/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
MEHRPOUR, NAGHMEH				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
09/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/572,372

**Applicant(s)**

TIMUS, BOGDAN

**Examiner**

MELODY MEHRPOUR

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,10-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 3,7-9,17 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### **Information Disclosure Statement**

1. The information disclosure statement filed reference listed in the information Disclosure Submitted on 03/16/06 have been considered by the examiner (see attached PTO-1449

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Soldani et al. (US publication 2004/0110521 A1).

Regarding claims 1-2, 4-6, 15-16, 18-20, 29-31, Soldani teaches a method in a communication system, comprising the steps of:

a control unit (105) requesting from an access point (103) a number of periodic measurement reports regarding a number of links (102) handled by the access point (103) (0032, 0078); and

receiving at the control unit (105) said requested number of periodic measurement reports from the access point (103) over a control interface (104) connecting said control unit (105) with said access point (103) and having a limited total capacity for forwarding measurement reports characterised by the further step of determining dynamically a frequency for periodical reporting of each periodic measurement report from the access point (103) to the control unit (105) based on information on said number of links (102) currently handled by the access point (103) and such that a total aggregate frequency of periodical reporting of said number of periodic measurement reports does not exceed said limited total capacity of the control interface (104) (0032, 0076, 0077, 0078).

Regarding claims 10-11, 24-25, Soldani teaches a method according to claim 1 further comprising the step of:

updating the frequency for periodical reporting of each periodic measurement report from the access point (103) to the control unit (105) in response to a link (102) being added to or removed from said number of links (102) handled by the access point (103) (0048).

Regarding claims 12, 26, Soldani teaches a method/system wherein said number of periodic measurement reports are received by a measurement proxy (204) in the control unit (105) from the access point (103) over the control interface (104) at the

determined frequencies for periodical reporting of said number of periodic measurement reports, and wherein the measurement proxy (204) emulates and delivers the received number of periodic measurement reports to at least one subunit (205,206) in the control unit (105) at frequencies requested by the at least one subunit (205, 206), and wherein the determined frequencies for periodical reporting can differ from the frequencies requested by the at least one subunit (205,206) (0032, 0052, 0063, 0078).

Regarding claims 13, 27, Soldani teaches a method/system wherein the measurement proxy (204) coordinates at least two requests from at least two subunits (205, 206) for periodic measurement reports of the same measurement type and regarding the same link (102) into a single request for a periodic measurement report from the access point (103) (0063, 0067, 0076).

Regarding claims 14, 28, Soldani teaches a method/system wherein the limited total control interface capacity for forwarding measurement reports is detected by the control unit (105) through testing of the control interface (104) in an initialisation phase, wherein the control unit (105) requests periodic measurement reports at a gradually increasing frequency until the total control interface capacity is reached (0007, 0038, 0049, 0076, 078).

***Allowable Subject Matter***

3. **Claims 3, 7-9, 17, 21-23**, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Agin** (US Patent 6,564,067 B1) disclose method for setting a transmission quality target value for power control in a mobile radio communication system

**Hiramatsu et al.** (US Patent 6,600,933 B1) disclose transmission diversity method

5. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Naghmeh Mehrpour** whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dwayne Bost** can be reached (571) 272-7023.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

September 18, 2008